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<b>Approved by:</b> Executive Committee of the Board of Directors	

## Purpose

Policy and procedure contained herein identifies the process by which The Health Education and Resources Institute (THEAR) identifies, reports, and handles inappropriate sexual conduct.

## Scope

This policy shall cover and apply to Board Directors, employees, site service members, volunteers, and student housing hosts and students; hereby known as covered individuals.

## Definitions

- *Sexual harassment* means unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated. It includes situations where a person is asked to engage in sexual activity as a condition of that person's employment or service, as well as situations which create an environment which is hostile, intimidating or humiliating for the recipient. Sexual harassment conduct or behavior which constitute sexual harassment include, but are not limited to:
  - Physical conduct
    - Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching
    - Physical violence, including sexual assault
    - The use of job-related threats or rewards to solicit sexual favors
  - Verbal conduct
    - Comments on a worker's appearance, age, private life, etc.
    - Sexual comments, stories and jokes
    - Sexual advances
    - Repeated and unwanted social invitations for dates or physical intimacy
    - Insults based on the sex or gender identity of the worker
    - Condescending or paternalistic remarks
    - Unwelcome demeaning, debasing, and abusive comments or actions that intimidate
  - Non-verbal conduct
    - Display of sexually explicit or suggestive material
    - Sexually suggestive gestures
    - Whistling or leering
    - Offensive looks or gestures; gender, racial, ethnic, or religious baiting
- *Sexual abuse* means sexual behavior by one person upon another that is abusive and unwanted; often perpetrated using force or by taking advantage of another, including but not limited to the above mentioned behaviors and conduct, sexual groping, assault/battery, and attempted rape.

### **Responsibility**

THEARI's Inappropriate Sexual Conduct Policy and Procedure shall be reviewed, maintained, revised (if applicable), and implemented by the Executive Director, or their designee, and approved annually by the Executive Director and the Board of Directors.

### **\*\*\*POLICY CONTENT**

The Health Education and Resources Institute (THEARI) is committed to providing a safe environment for all its covered individuals free from discrimination on any ground and from sexual harassment or abuse at work, service, educational program or AHEC housing program participation. THEARI will operate a zero-tolerance policy for any form of sexual harassment or abuse in the workplace, volunteer service site, program site, or AHEC arranged student housing home; including at social events, business trips, training sessions or conferences sponsored or arranged by THEARI.

THEARI will treat all incidents respectfully, seriously, and in confidence; and promptly investigate all allegations of any sexual misconduct. Any covered individual found to have sexually harassed or abused another will face disciplinary action, up to and including termination of employment or service, and will be reported to law enforcement.

THEARI recognizes that harassment or abuse may be by persons of the same or different races, sexes, gender identities, religions, or ethnic origins. It may be carried out by another covered individual, a partner organization staff member, a program or project site employee or supervisor, or another program beneficiary such as a client.

The Executive Director, or their designee, shall receive annual online training through the Employers Council to include: differentiating between respectful, inappropriate, and illegal workplace behavior; understanding what constitutes illegal harassment; displaying appropriate behavior in the work environment; understanding the elements of an organization's policy against discrimination, harassment, and retaliation; identifying employees' and supervisors' responsibilities in maintaining a harassment-free workplace; and learning additional state law anti-harassment requirements. Employees, site service members, and volunteers will receive annual in person training from the Executive Director, or their designee, using materials from the Society for Human Resource Management and Employers Council. Training materials will also be made available to all THEARI Board Directors. All covered individuals may request additional training at any time. The policy contained herein, including how to recognize and report abuse, will be reviewed with all Board Directors, employees, service site members, and volunteers annually.

When investigating allegations of sexual harassment or abuse, circumstances such as the nature of the comments or actions, and the context in which the alleged incidents occurred are considered by the Executive Director on a case-by-case basis and based upon facts gathered by the Executive Director during their investigation. Certain serious cases, including physical violence, will result in the immediate termination of the harasser from employment, service, program participation, or AHEC housing hosting or residence.

THEARI shall not retaliate against covered individuals who bring grievance of harassment or abuse forward, regardless of whether or not THEARI believes the underlying complaint is valid. Nor shall THEARI retaliate against a covered individual who testifies or participates in any way in a harassment or abuse investigation, proceeding, or litigation.

### *Housing Program Hosts and Students*

Inappropriate sexual conduct training materials, including how to recognize and report abuse, from the Society for Human Resource Management and Employers Council will be made available to all AHEC Housing Program hosts and students. Housing hosts and students may request additional training at any time. The policy contained herein, will be reviewed with all housing hosts (annually) and students (at the beginning of their housing rotations).

The Executive Director, or their designee, shall monitor Housing Program hosts and students with regular check in calls/meetings to occur a third of the way through the student's stay within the home, and after two-thirds. Upon housing rotation completion, hosts and students will be prompted individually to provide feedback to THEARI about their host or student experience within the home.

### **\*\*\*PROCEDURE**

Anyone who is subject to sexual harassment or abuse should, if possible, inform the alleged harasser that the conduct is unwanted and unwelcome. THEARI recognizes that sexual harassment may occur in unequal relationships (i.e. between a supervisor and their employee) and that it may not be possible for the reporter to inform the alleged harasser.

If a covered individual cannot or does not want to directly approach an alleged harasser, they can approach the Executive Director. However, if covered individuals are not comfortable speaking with the Executive Director or are not satisfied with their response, covered individuals are encouraged to speak with the THEARI Compliance Officer: Treasurer of the Board of Directors, who has specific and exclusive responsibility to investigate all reported incidents.

When the Executive Director or Compliance Officer receives a complaint of sexual harassment or abuse, they will:

- Immediately record the dates, times and facts of the incident(s).
- Ascertain the views of the reporter as to what outcome they want.
- Ensure that the reporter understands THEARI's procedures for dealing with the complaint.
- Discuss and agree upon next steps: either informal or formal complaint, on the understanding that choosing to resolve the matter informally does not preclude the reporter from pursuing a formal complaint if they are not satisfied with the outcome.
- Keep a confidential record of all discussions.
- Respect the choice of the reporter.
- Ensure that the reporter knows that they can lodge the complaint outside of the company through the relevant country/legal framework.

### **Informal Complaints Process**

If the reporter wishes to deal with the matter informally, the Executive Director or Compliance Officer will:

- Give an opportunity to the alleged harasser to respond to the complaint.
- Ensure that the alleged harasser understands the complaints process.
- Facilitate discussion between both parties to achieve an informal resolution which is acceptable to the reporter.
- Ensure that a confidential record is kept of process and results.
- Follow up after the outcome of the complaints process to ensure that the behavior has stopped.
- Ensure that the above is done speedily and within three (3) days of the complaint being made.

### Formal Complaints Process

If the reporter wants to make a formal complaint or if the informal complaint mechanism has not led to a satisfactory outcome for the reporter, the formal complaint process should be used to resolve the matter.

If the reporter wishes to deal with the matter formally, the Executive Director or Compliance Officer will:

- Interview the reporter and the alleged harasser separately.
- Interview other relevant third parties separately.
- Decide whether or not the incident(s) that took place was sexual harassment or abuse.
- Produce a report detailing the investigations, findings and any recommendations.
- Notify the Executive Committee acting as the Personnel Committee of the Board of Directors.
- If it is determined that harassment or abuse took place, decide what the appropriate remedy for the reporter is, in consultation with the reporter (i.e.: an apology, a change to working/service arrangements, a promotion if the reporter was demoted as a result of the harassment, training for the harasser, discipline, suspension, termination).
- Follow up to ensure that the recommendations are implemented, that the behavior has stopped and that the reporter is satisfied with the outcome.
- Make recommendations to ensure proper functioning of the work, service, volunteer, or housing site if it cannot be determined that the harassment took place.
- Keep a record of all actions taken.
- Ensure that all records concerning the matter are kept confidential.
- Ensure that the process is done as quickly as possible, within five (5) business days of the complaint being made.

### Outside Complaints Process

Sexual harassment or abuse reporters may also make a complaint outside of THEARI should they so choose to do so. THEARI will not interfere with this process or outside investigative efforts.

### Disciplinary Measures

Anyone who has been found to have sexually harassed or abused another person under the terms of this policy is liable to any of the following sanctions: verbal or written warning, adverse performance evaluation, reduction in wages, demotion, suspension, or termination as deemed appropriate by the Executive Director. Certain serious cases, including physical violence, will result in the immediate termination of the harasser from employment, service, program participation, or AHEC housing hosting or residence, and will be reported to law enforcement.

Any questions or concerns regarding this policy can be addressed to Lin Browning, Executive Director, at (303) 481-8686 or by email at [linbrowning@centralcoahec.org](mailto:linbrowning@centralcoahec.org).

*Board Director, employee, service site member, volunteer, or AHEC Housing Program host or student acknowledgement:*

I, \_\_\_\_\_ (print), have received, read, and agree to abide by the above-mentioned policy regarding inappropriate sexual conduct.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*Version Control*

Number	Date	Changes Made	Approved by
1.0	10.25.19	Initial publication	Executive Committee of the Board of Directors